

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF:

Ephraim, Inc.	
t/a Roxanne/Peyote	Fact-
2296 Champlain Street, NW	Finding
Retailer CR - ANC-1C	Hearing
License No. 60338	

(License in Extended
Safekeeping)

May 1, 2014

The Alcoholic Beverage Control
Board met in the Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th
Street, N.W., Suite 400S, Washington, D.C.
20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
HERMAN JONES, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member

P-R-O-C-E-E-D-I-N-G-S

(3:29 p.m.)

CHAIRPERSON MILLER: Okay. The next case is Roxanne/Peyote located at 2296 Champlain Street, N.W., License No. 60338, in ANC-1C.

MEMBER SILVERSTEIN: Good afternoon, Mr. Askarinam.

MR. ASKARINAM: Good evening. Good afternoon.

MEMBER SILVERSTEIN: Good evening.

MR. ASKARINAM: My name is Iraj Askarinam. I'm owner of the Peyote and Roxanne. Just about, I guess, I don't know exactly how many years ago, we combine/mesh two restaurant into one. It was next to each other.

CHAIRPERSON MILLER: Um-hum.

MR. ASKARINAM: It's Spaghetti Garden and Peyote/Roxanne. For they told us we cannot remove that license for that on any place except 2319 18th Street. If we decided

1 to go back, make it two different restaurants.
2 And this liquor license only can be used for
3 2319 at Roxanne/Peyote. No place else.

4 And unfortunately, I got a stroke.
5 My brother had a heart attack and we putting
6 everything for sale. And we been trying hard
7 to sell. We want to know if you can sell both
8 building together or one each individually?
9 And they been in the market. We had all those
10 things. We like to keep that liquor license
11 in case it become divided. If the customer
12 come and buy it separately. And that is what
13 is going to be.

14 And it's been very hard. I was
15 going to close it for a time. Losing like
16 money at least \$20,000 a month. I want to
17 close the restaurant, but, unfortunately, I
18 love my employees for -- some of the employees
19 worked for me for 30, 40 years, to me they
20 came over there.

21 Even I'm losing money. I'm not
22 closing down the places, even I cannot do it.

1 My daughter help me a little bit. And I said
2 that I really don't -- I want to close it.
3 But I said I don't -- and I also want to sell
4 it, but unfortunately, Adams Morgan is very,
5 very hard to sell anything, because people
6 there they don't like when they come. There
7 is unfriendly businesses, those people.
8 Anybody come, there is lot of politic, a lot
9 of things.

10 It's very, very hard. I said I've
11 been advertising for more than a year to sell
12 those places. I wasn't successful. I don't
13 know, but it is in your hand, whatever you let
14 me do, I go do it. If you want to take the
15 license away, you can have it. Whatever it
16 is.

17 I said that we used that building
18 as another restaurant. There is a lot of
19 vacant store in Adams Morgan. I hate to close
20 it and be another vacant.

21 CHAIRPERSON MILLER: Okay. I just
22 want to understand this, okay? So I know that

1 there were two places and now they are one.
2 You are using one license. The other one is
3 in safekeeping. In the event that there might
4 be two in the future?

5 MR. ASKARINAM: Yes.

6 CHAIRPERSON MILLER: Two
7 restaurants?

8 MR. ASKARINAM: Because already
9 has -- we never -- it has a corporation. We
10 never dissolved corporation. We never
11 everything. Actually there is two
12 restaurants, they have everything, kitchen,
13 everything. And we've been talking to people
14 to sell it separately or together.

15 CHAIRPERSON MILLER: Okay.

16 MR. ASKARINAM: If it gets
17 separated, we sell it. We can be -- have a
18 liquor license, that corporation does
19 everything.

20 CHAIRPERSON MILLER: Okay.

21 MR. ASKARINAM: And then the new
22 owner, whatever you want to do with the other

1 license. You want to keep it as one or two or
2 if we sell it, both as one.

3 And I said, unfortunately, I been
4 trying hard to do it, to sell it and I haven't
5 been successful.

6 CHAIRPERSON MILLER: You are
7 trying hard to sell it either way? Either as
8 one or two places?

9 MR. ASKARINAM: Either way, either
10 way.

11 CHAIRPERSON MILLER: Okay.

12 MR. ASKARINAM: One or two. One
13 or sell like --

14 CHAIRPERSON MILLER: Um-hum, okay.

15 MR. ASKARINAM: -- and I been 35
16 years over there and I see that I have 20
17 employees. I love my employees. One of the
18 is over there. I'm not making money. They
19 make money. They work for me. Thank, I
20 appreciate, God. I have been blessed. They
21 made me a lot of money. It's time for me to
22 keep them and I pay them, even the money

1 doesn't make it.

2 CHAIRPERSON MILLER: Okay.

3 Questions? Questions?

4 MEMBER ALBERTI: Well, I just want
5 to clear something up for you, Mr. Askarinam.
6 First of all, you said that the license has to
7 stay there.

8 MR. ASKARINAM: Yes.

9 MEMBER ALBERTI: The license --
10 wait, wait, wait, let me finish. The license
11 in safekeeping does not have to stay at that
12 address. There is nothing in the law that
13 says it has to stay at that address.

14 MR. ASKARINAM: Yes, they --

15 MEMBER ALBERTI: It can be
16 transferred.

17 MR. ASKARINAM: No. When I made
18 the -- we change it, we come by and they told
19 us only way they going to --

20 MEMBER ALBERTI: Who told you?

21 MR. ASKARINAM: The ABC and we
22 have voluntary agreement we had in time with

1 the neighbor.

2 MEMBER ALBERTI: I am not aware --

3 MR. ASKARINAM: Everything they
4 said --

5 MEMBER ALBERTI: -- legally, I am
6 not aware, and I'll check with our General
7 Counsel, but I am not aware that there is
8 anything binding you from keeping the license
9 at that location.

10 MR. ASKARINAM: Yes, it has. The
11 other ones that have said --

12 MEMBER ALBERTI: Mr. Askarinam,
13 you don't take my word, you can check with our
14 General Counsel afterwards.

15 MR. ASKARINAM: Sure.

16 MEMBER ALBERTI: But I am going to
17 operate under the assumption that there is
18 nothing binding you from keeping that license
19 at that location.

20 MEMBER JONES: And honestly,
21 really, sorry.

22 MEMBER ALBERTI: Go ahead.

1 MEMBER JONES: Okay. It's really
2 not -- that's not our problem, right? So if
3 you made the determination that you cannot do
4 something, even though we are telling you that
5 we don't think that's correct, then really the
6 onus is on you to make use of the license that
7 is in safekeeping. Okay?

8 MR. ASKARINAM: Okay, sure.

9 MEMBER JONES: So --

10 MR. ASKARINAM: Absolutely.

11 MEMBER JONES: -- you need to find
12 a way to make it work for you.

13 MR. ASKARINAM: Sure. I will. If
14 I -- I know there are some things I didn't
15 know, I knew otherwise that would be easier on
16 me. Even sell it to somebody. They came more
17 than 50 person want to buy it, but I thought
18 I have obligation to keep it over there. And
19 I did not do it.

20 CHAIRPERSON MILLER: I think we
21 have in our notes that you might be referring
22 to your settlement agreement where you are

1 bound to keep the two licenses there. Is that
2 correct? Are you aware of that?

3 MR. ASKARINAM: No.

4 CHAIRPERSON MILLER: Your
5 settlement agreement?

6 MR. ASKARINAM: We --

7 CHAIRPERSON MILLER: Voluntary
8 agreement?

9 MR. ASKARINAM: -- don't have -- I
10 don't have a voluntary agreement, but when
11 they came, ABC, we made -- they made it clear
12 to that license doesn't go nowhere except 2319
13 Peyote/Roxanne. I don't know if it's in the
14 record or not record. I had -- my
15 understanding was that, otherwise, I could
16 sell it and make \$40,000 or \$50,000 out of it
17 for a long time.

18 MEMBER JONES: Sir, I think the
19 only thing we are pointing out to you is that
20 you may want to update the information that
21 you have by consulting our General Counsel
22 today or some time in the near future, so you

1 can be sure that you are operating under
2 correct current information.

3 I'm not challenging what you
4 thought you heard or what you were told X
5 number of years ago.

6 MR. ASKARINAM: Yes.

7 MEMBER JONES: We are just
8 recommending that you consult with our General
9 Counsel to confirm that what you believe to be
10 true from what you heard years ago, is still
11 current today. That's all we are saying.

12 MR. ASKARINAM: Okay. Sure. I
13 will do that.

14 MEMBER JONES: Outside of that, I
15 would be thinking that in six months if
16 something hasn't happened, then once again,
17 you are going to -- we are going to be
18 challenged with what to do with your license
19 that is still in safekeeping.

20 MR. ASKARINAM: Sure. Absolutely.

21 MEMBER JONES: So just trying to
22 help you understand what your alternatives

1 are.

2 MR. ASKARINAM: Thank you very
3 much. Appreciate it.

4 MEMBER JONES: Was that helpful?

5 MR. ASKARINAM: Yes.

6 MEMBER JONES: All right.

7 MEMBER RODRIGUEZ: Okay.

8 MR. ASKARINAM: I said if you find
9 your document, all the license was gone. They
10 offered me \$50,000.

11 MEMBER ALBERTI: Well, okay.
12 Well, then that gives me confidence that you
13 can progress on the time schedule that we will
14 be setting up.

15 CHAIRPERSON MILLER: Okay.

16 MEMBER RODRIGUEZ: So there are
17 people interested?

18 MEMBER ALBERTI: And so I'll let
19 the Chair articulate a time schedule.

20 CHAIRPERSON MILLER: Okay. Right.
21 So yes, I think what you are hearing is you
22 should probably talk to our General Counsel or

1 talk to an attorney to make sure you
2 understand your rights and what you can do.

3 MR. ASKARINAM: Sure.

4 CHAIRPERSON MILLER: Okay.

5 MR. ASKARINAM: Thank you.

6 CHAIRPERSON MILLER: Yes, go
7 ahead, Mr. Rodriguez.

8 MEMBER RODRIGUEZ: I am glad that
9 someone offered you, you know, money for the--
10 that amount of money for it. And I wish you
11 good luck with that. And please do check with
12 our General Counsel to make sure that you know
13 exactly where you stand on this license.

14 MR. ASKARINAM: Yes. Sure I will
15 do that.

16 MEMBER RODRIGUEZ: Thank you.

17 CHAIRPERSON MILLER: So we did the
18 same thing with you that we have done with the
19 others, except Mr. Duggan's situation was
20 different.

21 Well, we are going to set a six
22 month status, which we set for everybody. And

1 at your status you should, unless you have
2 taken it out of safekeeping before then, show
3 us plans or contracts or something to use or
4 sell the license.

5 MR. ASKARINAM: All right.

6 CHAIRPERSON MILLER: You don't
7 have to have sold it yet, but you should have
8 -- show us that it is in the works, there is
9 a contract or something like that.

10 MR. ASKARINAM: I would love to
11 have it.

12 CHAIRPERSON MILLER: Yes, right.
13 Okay. I think that everybody will be happy.

14 MR. ASKARINAM: Yes.

15 CHAIRPERSON MILLER: Okay.

16 MEMBER RODRIGUEZ: We are with
17 you.

18 MR. ASKARINAM: I would love to
19 happen.

20 CHAIRPERSON MILLER: Okay.

21 MR. ASKARINAM: Yes.

22 CHAIRPERSON MILLER: And then I

1 would say, just to be clear, if you don't sell
2 or use it within the year, most likely it will
3 be canceled. But it sounds like hopefully you
4 are in a good position that you can sell it.

5 MR. ASKARINAM: Okay.

6 CHAIRPERSON MILLER: Okay. If you
7 have any questions, you can call Martha
8 Jenkins. Oh, and I would say 10 days before
9 the Status Hearing, you should submit any
10 written documents that are proof that you have
11 plans.

12 MR. ASKARINAM: Okay.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER JONES: So just to be
15 clear, what is he showing? What does he have
16 to show in six months time?

17 CHAIRPERSON MILLER: Proof that he
18 has plans to sell or use the license.

19 MEMBER JONES: When you say --

20 CHAIRPERSON MILLER: A contract,
21 you know, or the seller or documents.

22 MEMBER JONES: Okay. So -- okay.

1 So --

2 CHAIRPERSON MILLER: Yeah.

3 MEMBER JONES: -- documents
4 identifying another party?

5 CHAIRPERSON MILLER: A specific,
6 yes.

7 MEMBER JONES: A specific person
8 to whom or entity to whom he is going to sell?

9 CHAIRPERSON MILLER: Yes.

10 MEMBER JONES: Okay. It just
11 can't be you put an ad in the paper and you
12 are planning to try --

13 CHAIRPERSON MILLER: Right.

14 MEMBER JONES: -- to sell it.
15 Okay.

16 MR. ASKARINAM: If I can actually
17 make me some money, that's good.

18 MEMBER JONES: And then just to be
19 clear, if you don't have that at that six
20 month point, then it is possible that the
21 Board could vote to cancel your license at
22 that first six month interval. There is no

1 guarantee that you are going to get a total of
2 12 months to carry out this action.

3 MR. ASKARINAM: Sure.

4 MEMBER JONES: It's all dependent
5 upon how you demonstrate your veracity towards
6 closing on the sale of your license at that
7 six month mark. Does that -- do you
8 understand?

9 MR. ASKARINAM: Yes, sir.

10 MEMBER JONES: Okay. Thank you.

11 MR. ASKARINAM: I'm going to
12 check, make sure there is not anything against
13 it to sell it. Check before I do it.

14 MEMBER JONES: Yes, sir.

15 MEMBER ALBERTI: Check with our
16 General Counsel.

17 MR. ASKARINAM: The General
18 Counsel. I don't want to have somebody have
19 all the problems in the future.

20 CHAIRPERSON MILLER: Okay. Yes,
21 check with our General Counsel or another
22 attorney that's experienced in the area. Yes.

1 MR. ASKARINAM: Okay. Thank you
2 very much.

3 CHAIRPERSON MILLER: Okay.

4 MR. ASKARINAM: Appreciate it.

5 CHAIRPERSON MILLER: Okay.

6 MEMBER RODRIGUEZ: We wish you
7 good luck.

8 MR. ASKARINAM: Thank you.

9 CHAIRPERSON MILLER: Okay. Do you
10 want us to break now?

11 UNKNOWN SPEAKER: Well, you don't
12 have another hearing until 4:00, Ruthanne.

13 CHAIRPERSON MILLER: Oh, ahead of
14 schedule. Okay.

15 UNKNOWN SPEAKER: And you don't
16 have a defendant here.

17 CHAIRPERSON MILLER: Oh, yes,
18 great. So --

19 UNKNOWN SPEAKER: So we might as
20 well make the use --

21 CHAIRPERSON MILLER: Let's go.

22 UNKNOWN SPEAKER: -- of this 20

1 minutes.

2 CHAIRPERSON MILLER: Absolutely.

3 Yes, we are going to take a short recess as
4 our next hearing is at 4:00. Have a good day.

5 (Whereupon, the Fact-Finding
6 Hearing in the above-entitled matter was
7 concluded at 3:42 p.m.)

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